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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/434,993 | 11/05/1999 | UWE HASLER | 974 | 4634 |

7590 12/01/2001

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| EXAMINER |
|---|
| HONG, JOHN C |

| ART UNIT | PAPER NUMBER |
|---|---|
| 3726 | 11 |

DATE MAILED: 12/01/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. 09/434,993 | Applicant(s) HASLER, UWE | |
|---|---|---|---|
| | Examiner John C. Hong | Art Unit 3726 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) 1-14 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-14 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-6, 11-13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art(AAPA) in view of Weber (U.S. Patent 3,923,151) and Henkel et al.(U.S. Patent 3,974,716)

AAPA, as found on pages 2-4 of the applicants specification, discloses the known method of adjusting a treatment machine in which a transporting chain for transporting object to be treated is guided in loops through at least one treatment station in a machine housing and driven at least at two locations by drive which in a normal operation synchronized and adjusted chain length relative to one another so that the transporting chain in its guides is neither tightly pulled nor compressed.

But this known method fail to teach the steps of: selecting (more than) two drives which follow one another in a forward direction of the transporting chain; asynchronously driving selected drives, so that a chain portion located therebetween is tightly pulled or compressed by producing a length difference, and measuring a parameter which is dependent from a drive moment of one or selected drives; when parameter reaches or exceeds a fixed value, operating the drive asynchronously for reducing the previously produced length difference by a predetermined amount; subsequently maintaining the adjusted relative position of the both drives

relative to one anther, with synchronous operation to the drives; electrically controlling the drives, and performing the method automatically by a programmable microprocessor.

Weber teaches the steps of : Accelerating and decelerating (asynchronously) driving selected drives, so that a chain portion located therebetween is tightly pulled or compressed by producing a length difference, and measuring a parameter which is dependent from a drive moment of one or selected drives; when parameter reaches or exceeds a fixed value, operating the drive accelerating and decelerating (asynchronously) for reducing the previously produced length difference by a predetermined amount; subsequently maintaining the adjusted relative position of the both drives relative to one anther, with synchronous operation to the drives ; electrically controlling the drives, and performing the method automatically by a programmable microprocessor. See Abstract; col. 3, lines 18-22; col. 6, lines 36-40.

Henkel et al. teach the step of selecting (more than) two drives which follow one another in a forward direction of the transporting chain. See col.1, lines 15-39; col. 2, lines 3-11.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the steps of : selecting (more than) two drives which follow one another in a forward direction of the transporting chain, as taught by, Henkel et al. and further employ asynchronously driving selected drives, so that a chain portion located therebetween is tightly pulled or compressed by producing a length difference, and measuring a parameter which is dependent from a drive moment of one or selected drives; when parameter reaches or exceeds a fixed value, operating the drive asynchronously for reducing the previously produced length difference by a predetermined amount; subsequently maintaining the adjusted relative position of the both drives relative to one anther, with synchronous operation to the drives ; electrically

controlling the drives, and performing the method automatically by a programmable microprocessor, as taught by Weber on the method of AAPA so as to maintain a predetermined tension in the chain.

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA/Weber/Henkel et al. as applied to claim1 above, and further in view of Viebach et al. (U.S. Patent 5,730,436).

AAPA/Weber/Henkel et al. teach the limitations as cited above with the exception of the steps of providing the drives with rotary sensors for determination of their relative angular position, storing ;their angular positions; and performing the synchronization of an electrical path by controlling the drives.

Viebach et al. teach the steps of providing the drives with rotary sensors (S1,S2) for determination of their relative angular position, storing ;their angular positions; and performing the synchronization of an electrical path by controlling the drives. See claim 4.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the steps of the steps of providing the drives with rotary sensors for determination of their relative angular position, storing ;their angular positions; and performing the synchronization of an electrical path by controlling the drives, as taught by Viebach et al. on the method of AAPA/Weber/Henkel et al. so as to adjust the positions of the chain.

4. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA/Weber/Henkel et al. as applied to claim1 above, and further in view of Pelzer (U.S. Patent 3,712,457).

AAPA/Weber/Henkel et al. teach the limitations as cited above with the exception of the

step of measuring current consumption of the electric motors as parameter which are dependent from drive moments.

Pelzer teaches the step of measuring current consumption of the electric motors as parameter which are dependent from drive moments. See col. 2, lines 10-17: claim 2.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the step of measuring current consumption of the electric motors as

parameter which are dependent from drive moments, as taught by Pelzer on the method of AAPA/Weber/Henkel et al. so as to maintain a predetermined tension in the chain.

***Response to Arguments***

5. Applicant's arguments filed July 13, 2001 have been fully considered but they are not persuasive. See the new Office Action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John C. Hong whose telephone number is 703-305-0779. The examiner can normally be reached on M-F(07:00-16:30)First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3580 for regular communications and 703-305-3590 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1078.

jh
November 8, 2001

S. THOMAS HUGHES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700